



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

JUN 21 2007

Ephraim King
Director
Office of Science and Technology
United States Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. King:

NOAA's National Marine Fisheries Service (NMFS) received your letter requesting initiation of formal section 7 consultation pursuant to the Endangered Species Act, of 1973, as amended (16 U.S.C 1531 et seq.). Your letter requested consultation on the effects to threatened and endangered species under NMFS' jurisdiction from your aquatic life water quality criteria for cyanide, which you recommend to States and Tribes under section 304(a) of the Clean Water Act.

Based on our review, you submitted the necessary information to initiate formal consultation on your aquatic life criteria for cyanide. Section 7 allows the Service up to 90 days to conclude formal consultation with your agency and additional 45 days to prepare our biological opinion, unless we mutually agree to an extension. According to the date on which you submitted this information (March 23, 2007), our biological opinion would be due on August 5, 2007.

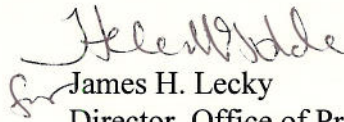
The scope and complexity of this consultation, however, exceeds typical consultations. Consequently, we expect that we may require more time than usual to complete the biological opinion on your national aquatic life criteria for cyanide. At present, our best estimate is that we would likely complete the consultation and biological opinion on or before October 5, 2007. Hence, we are seeking your concurrence on our proposal to extend formal consultation by 60 days.

We appreciate your support and willingness to work closely with us as we complete consultation on your 304(a) aquatic life criteria. We hope, as the first consultation in a series of consultations, that we will become increasingly efficient in completing these consultations, such that it would be unnecessary to request extensions to the standard consultation timeframe whenever formal consultation is warranted. Until such a time is reached, we appreciate your patience and cooperation and will keep you updated on our progress.



If you have questions regarding this consultation, or the consultation process in general, please feel free to contact me or Angela Somma at (301) 713-1401.

Sincerely,

A handwritten signature in dark ink, appearing to read "James H. Lecky". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke extending to the right.

for James H. Lecky
Director, Office of Protected Resources